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Appl. No. 10/751,362
Atty. Docket No. AA611
Reply Dated June 1, 2006
Reply to Office Action of April 5, 2006
Customer No. 27752

REMARKS

Claims 1-11 are pending in the present application. Claims 3 and 5-9 were previously withdrawn. Applicant respectfully requests consideration of the following remarks and withdrawal of the rejection.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 4, 10, and 11 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,558,499 to Pargass et al. (hereafter "Pargass"). In support of this rejection, the Office states:

Pargass et al disclose an absorbent product (10) comprising a package (col. 5, 1. 4) and at least n absorbent articles contained in the package, wherein n is greater than 10 (col. 5, 1. 5), each of the absorbent articles having a body contacting surface (14) and a garment contacting surface (22) opposing the body contacting surface, each of the absorbent articles comprising: a component material (26) disposed between the body contacting surface (14) and the garment contacting surface (17), the component material (26) having a printed graphic (21) which is seen through either the body contacting surface or the garment contacting surface (fig. 1); wherein the printed graphic (21) of each of the n absorbent articles is different from the graphic of each of the remaining absorbent articles and all of the printed graphics (21) of the n absorbent articles have a predetermined association (col. 15, II 44-52).

Applicant traverses the rejection.

With regard to Claim 1, the Office has failed to teach each and every limitation present. Claim 1 states that "the printed graphic of each of the n absorbent articles is different from the graphic of each of the remaining absorbent articles and wherein all of the printed graphics of the n absorbent articles have a predetermined association." The claim is directed to absorbent articles within a package wherein each article has a printed graphic different from the printed graphic on remaining articles. The passage cited by the Office (e.g., col. 15, lines 44-52), in reference to this limitation, states, "The term 'variety pack' refers to a set of individual absorbent articles continuously manufactured in-line, wherein each absorbent article includes at least one graphic thereon, and wherein at least one graphic included on each individual absorbent article differs from at least one graphic on adjacent absorbent articles in the manufacturing line." This passage does not teach or suggest Applicant's limitation where each article has a printed graphic

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different from the printed graphic on the remaining articles. Pargass merely teaches that, on the manufacturing line, adjacent absorbent articles have different graphics. Furthermore, Pargass discloses that the variety pack will include repeating articles. See Col. 5, lines 2-6; Col. 15, lines 62-64. These passages further strengthen Applicant's assertion that Pargass does not teach Applicant's limitation of "the printed graphic of each of the n absorbent articles is different from the graphic of each of the remaining absorbent articles."

In further regard to Claim 1, Applicant is unclear where Pargass teaches or suggests the limitation "wherein all of the printed graphics of the n absorbent articles have a predetermined association." In reference to this limitation, the Office cites column 15, lines 44-52 of Pargass, which presents a "variety pack" as was discussed in the preceding paragraph. It is unclear how the Pargass disclosure ("a set of individual absorbent articles continuously manufactured in-line, wherein each absorbent article includes at least one graphic thereon, and wherein at least one graphic included on each individual absorbent article differs from at least one graphic on adjacent absorbent articles in the manufacturing line") teaches or suggests printed graphics having a predetermined association. Title 37 C.F.R. § 1.104(c)(3) states, "The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." The pertinence of Pargass to the limitation of graphics having a predetermined association is unclear.

In regard to Claim 2, the Office states that "Pargass et al disclose the predetermined association includes a predetermined order, and the n absorbent articles are stacked in the package in accordance with the predetermined order (col. 5, ll. 2-6)." Pargass states, "In other words, a variety pack of absorbent articles is provided such that, for example, each package of absorbent articles contains anywhere from 3 to 15, and preferably from 5 to 10, distinct repeating graphics in each package." Col. 5, lines 2-6. It appears that the predetermined order cited by the Office is that the articles contain anywhere from 3-15 distinct repeating graphics in each package. This cannot be the predetermined order; otherwise, the limitation that "the printed graphic of each of the n absorbent articles is different from the graphic of each of the remaining absorbent articles and wherein all of the printed graphics of the n absorbent articles have a predetermined association" is not met. In other words, if the predetermined order of Pargass is a repeating graphic, then the articles of Pargass necessarily have repeating graphics and the articles

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cannot teach each and every limitation of Claim 1 which are incorporated in Claim 2 by dependency.

In regard to Claim 4, the Office states, "Pargass et al disclose the predetermined order is an order of usage instruction (col. 6, line 59)." Pargass discloses that written instructions are an example of a graphic. Col. 6, lines 47-59. While Pargass discloses that the absorbent article can have written instructions as a graphic, there is nothing teaching or suggesting that the written instruction is provided in any predetermined order. As discussed above in regard to Claim 2, the only order found in Pargass is that of a repeating graphic, which necessarily prevents Pargass from teaching each and every limitation of Claim 1 (e.g., "the printed graphic of each of the n absorbent articles is different from the graphic of each of the remaining absorbent articles and wherein all of the printed graphics of the n absorbent articles have a predetermined association").

Claims 10 and 11 are dependent from and contain all the limitations of Claim 1. Therefore, Claims 10 and 11 are believed to be patentable over Pargass for the same reasons as provided for Claim 1.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Pargass in view of International Publication Number WO 00/13632 to Stavrulov (hereafter "Stavrulov"). The Office concedes, "Pargass et al. disclose the predetermined order includes an order of usage instructions but does not expressly disclose an order illustrating story, an order for daily activity, an order for educational training, a sequential indication means, an order of usage instruction, an order illustrating child care tips, and an order of sales promotion." The Office continues:

Stavrulov, at page 3, lines 15- 22 expresses the desire and clear motivation to increase the attractiveness of single use hygienic products such as diapers by covering the surface of the product with images in the form of texts and pictures of educational, entertaining, instructive or other nature attractive to a consumer thereby increasing consumer demand for the product. Stavrulov teaches an order illustrating story, (p. 7, 1. 24) an order for daily activity (p. 7. 1. 20, 1. 23), an order for educational training (p. 7. 1. 18), a sequential indication means (p. 8, 11. 19-20), an order of usage instruction (p. 1, 1. 20), an order illustrating child care tips (p. 7, 11. 19-20), and an order of sales promotion (p. 12, 1. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the orders as taught by Stavrulov in the

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predetermined order of Pargass et al since Stavrulov states at page 11, lines 11-16 that this attracts consumer attention and stimulates the purchase of the product by the consumer.

Applicant traverses the rejection.

First, Claim 4 is dependent from and contains all the limitations of Claim 1. Since Stavrulov fails to address the deficiencies of Pargass, Claim 4 is believed to be patentable over Pargass for the same reasons as provided for Claim 1.

Second, Applicant asserts that the hypothetical combination proposed by the Office fails to teach or suggest each and every limitation present. As discussed above, Pargass is directed, in part, to a variety pack including absorbent articles wherein each absorbent article includes at least one graphic thereon, and wherein at least one graphic included on each individual absorbent article differs from at least one graphic on adjacent absorbent articles. Col. 15, lines 44-52. Stavrulov relates to envelopes used to wrap hygienic products such as diapers and sanitary. See Abstract. The envelopes bear images in the form of text and/or pictures which are not identical. Page 6, lines 10-22. The envelope wrapped hygienic products are incorporated into a "minimal commodity unit." Page 1, lines 11-12. Stavrulov does not relate to images on the hygienic article itself. Rather, the hypothetical combination of Pargass and Stavrulov appears to yield a set of absorbent articles as described by Pargass individually wrapped by the envelopes as described by Stavrulov, wherein each absorbent article is wrapped by an envelope bearing a unique image.

This hypothetical combination of Pargass and Stavrulov fails to teach the limitations of the present claim. Specifically, the combination does not yield an absorbent product comprising a package and at least n absorbent articles contained within the package, wherein the printed graphic of each of the n absorbent articles is different from the graphic of each of the remaining absorbent articles and wherein all of the printed graphics of the n absorbent articles have a predetermined association. The Office has taught a set of absorbent articles (per Pargass) that have repeating graphics where each article is individually wrapped by an envelop having differing graphics (per Stavrulov). This hypothetical combination fails to address the deficiency of Pargass as presented by the Office (e.g., "Pargass et al. disclose the predetermined order includes an order of usage instructions but does not expressly disclose an order illustrating story,

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an order for daily activity, an order for educational training, a sequential indication means, an order of usage instruction, an order illustrating child care tips, and an order of sales promotion").

Furthermore, the Office states that motivation to combine the references is provided by Stavrulov at page 11, lines 11-16 ("Implementation of the present invention should raise competitiveness of the single use hygienic products, which are made according to the invention, thanks to the variety in appearance of products making individual commodity unit, each of which is a source of the accessible, useful, interesting, various and periodically updated information. There will be stimulus for purchase of such products, instead of products without such information."). The motivation provided by Stavrulov is directed to the appearance of envelopes wrapping hygienic products and not to the appearance of the hygienic products themselves. The Office has provided no motivation for why the combination of Stavrulov and Pargass results in Applicant's claimed invention. The combination necessarily involves "non-identical images . . . placed on surfaces of envelopes." *Stavrulov*, page 3, lines 24. A *prima facie* case of obviousness has not been made.

CONCLUSION

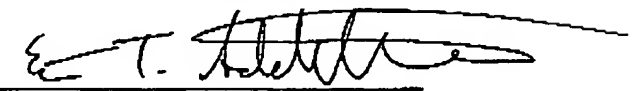
In light of the above remarks, it is requested that the Office reconsider and withdraw the rejections under 35 U.S.C. §§ 102(e) and 103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention from the applied references. In view of the foregoing, reconsideration of this application and allowance of Claims 1, 2, 4, 10, and 11 are respectfully requested.

Respectfully Submitted,

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